

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

RONALD HARRELL,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 314-051
	)	(Formerly CR 312-003)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

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**ORDER**

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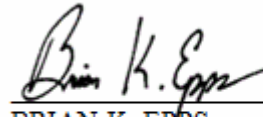
Petitioner has filed with this Court a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. Respondent originally moved to dismiss the § 2255 motion based on the collateral attack waiver contained in the plea agreement. (Doc. no. 5.) In the interim, however, the United States Department of Justice issued a new policy regarding enforcement of appeal waivers in which defendants waive claims of ineffective assistance of counsel on direct appeal and/or collateral attack, and upon prompting from the Court to affirm or withdraw its motion to dismiss, Respondent has decided not to rely on the collateral attack waiver. (See doc. nos. 7, 8.) Respondent further acknowledges that an evidentiary hearing is necessary to resolve Petitioner's § 2255 motion. (Doc. no. 8.)

Accordingly, the Court will hold an evidentiary hearing on the single issue raised in Petitioner's § 2255 motion: Did Petitioner receive ineffective assistance because his trial counsel failed to file a notice of appeal after Petitioner instructed him to do so? The Court will

hold the hearing on May 12, 2015, at 10:30 a.m. at J. Roy Rowland Federal Courthouse, Courthouse Square, 100 Franklin Street in Dublin, Georgia.

Pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings, Attorney Beau Worthington is appointed for the purpose of representing Petitioner at the evidentiary hearing and if necessary, providing any written filings as may be directed at the hearing or in response to the Report and Recommendation that will be issued after the hearing.

SO ORDERED this 15th day of April, 2015, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA